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STATEMENT of SCOPE of a PROPOSED RULE

Regarding Section Ins 17.28 (6) (s), Wis. Adm. Code,
relating to Peer Review Surcharge

- (a) A statement of the objective of the proposed rule:

To revise the Injured Patients & Families Compensation Fund (Fund) Peer Review Surcharge rates.

- (b) A description of existing policies relevant to the rule and of new policies proposed to be included in the rule and an analysis of policy alternatives:

The peer review surcharge rates are established in relation to the number of and dollar amount of claims paid on behalf of a health care provider. Pursuant to s. 655.27 (3) (a) 2m., Wis. Stat., health care providers with claim payment experience that exceeds the limits established by rule are subject to a surcharge which may result in an increase in the amount of assessment they pay to the Fund. The current surcharge rates were established in 1987 based upon paid claims data at that time. The Fund's consulting actuary performed a study in 2004 and determined that these rates are no longer appropriate and have developed new rates based upon more recent claim payment data.

- (c) A statement of the statutory authority for the rule:

The statutory authority for this rule is s. 601.41 (3), and 655.27 (3),(bg), Wis. Stat.

- (d) An estimate of the amount of time that state employees will spend to develop the rule and a description of other resources necessary to develop the rule:

40 hours estimated state employee time to promulgate this rule

- (e) A summary and preliminary comparison of any existing or proposed federal regulation that is intended to address the activities to be regulated by this proposed rule:

There is no existing or proposed federal regulation addressing any medical malpractice fund like the Wisconsin Injured Patients & Families Compensation Fund.

- (f) A description of all of the entities that will be affected by the rule:

Pursuant to Ins. 17.285 (2) (d), Wis. Adm. Code, this rule will affect all physicians and certified registered nurse anesthetists subject to Chapter 655 Wis. Stats. that have paid claims experience that exceeds the thresholds established by this rule.

This Statement of Scope of a Proposed Rule is prepared under s. 227.135, Stats., and approved by the injured patients & families compensation fund board of governors on February 23 2006.

Jorge Gomez
Commissioner